

Application No. 09/625,398  
Paper filed April 17, 2007  
Reply to Office Action mailed January 17, 2007

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## REMARKS

### Status Summary

Claims 1-10 and 12-40 are pending in the present application, of which claims 1, 10, 23, 34, and 35 are presented in independent form. Claims 1-10 and 12-40 stand rejected. Claims 1-3, 8, 10, 22-24, 29, 30, and 33-36, and 38 are amended.

### Drawings

The Examiner's indication that the Amended version of Figure 5 received by the Office on May 24, 2004, is acceptable is acknowledged with appreciation.

### Claim Objection(s)

Various claims have been objected to in the application for informalities. Applicants appreciate the Examiner's careful review of the claims and suggestions, and have amended the claims to address the Examiner's concerns where considered appropriate.

For example, the Examiner has objected to claims 1, 10, 22, 30, 34, and 35 for reciting the phrase "such that." Applicants have replaced the objected-to phrase with the term "wherein," where appropriate, to address the Examiner's concern. Claim 22 is objected for reciting the phrase "it appears." Applicants have amended claim 22, replacing the term "it" with the proper antecedent. Although the term "appears" is believed to be described sufficiently in the specification to make clear to persons of ordinary skill in the art the meaning of the term as recited in the claim, Applicants have nevertheless amended the claim, removing the objected-to term, to address the Examiner's concern. Claims 10, 23, 34, and 35 were objected to for reciting the phrase "particular entity." Applicants have amended the claims to remove the objected-to language. Claim 29 is objected to for reciting the phrase "in order to." Applicants have amended claim 29 as suggested by the Examiner. Claim 36 is objected to for reciting

the phrase "is capable of." Applicants have amended the claim to make clear that the online photo-sharing service is configured to host the entity-specific photo-sharing websites, because while Applicants agree that an infringing service will, at times, host such websites, Applicants contend that a server configured to host such websites will also infringe claim 36. Claim 38 is objected to on similar grounds as claim 36 and has been amended in a similar manner to claim 36 to address the Examiner's concern.

Applicants believe that the amendments entered by this paper completely address the objections to the claims raised by the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objections at an early date.

The claim amendments discussed above have been entered to address concerns raised by the Examiner in examining the claims and to advance prosecution of this application. The amendments were made for reasons either unrelated to or, at most, tangentially related to the statutory requirements for a patent, and have not narrowed the scope of the claims. Accordingly, those interpreting these claims should not limit them to their literal scopes.

Claim Rejection(s) - 35 U.S.C. § 112

Claims 1-6, 31, 36, and 37 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. In particular, the Examiner asserts that there is no antecedent basis (or that such basis is unclear) for the phrase "network-enabled image capture devices" in lines 10, 12, 14, and 15 of claim 1. The Examiner acknowledges that the phrase "entity-specific network-enabled image capture devices" is recited in line 6 of claim 1, and has properly surmised that "entity-specific network-enabled image capture devices" is the same as "network-enabled image capture devices." To make this more clear, Applicants have inserted the phrase "entity-specific" into the claims where considered appropriate.

The Examiner further states that "it is unclear whether the 'image capture devices' are the 'plurality of entities' or if the entities are something entirely different." The "image capture devices," more properly, the "entity-specific network-enabled image capture devices" are NOT the "plurality of entities." Instead, as described and claimed by Applicants, each of the plurality of entities control a set of entity-specific network-enabled image capture devices. See, e.g., the preamble of claim 1. Also, the Examiner is directed to the text bridging pages 5 and 6 of the originally-filed disclosure that states:

The system includes a plurality of camera controlling entities 12 that produce, own, or otherwise control a set of digital cameras 14, and an online photo-sharing service 16. The online photo-sharing service 16 includes a gateway server 18 and an entity/account database 20. The various camera controlling entities 12 contract with the photo-sharing service 16 to transparently host customized photo-sharing websites 22 for each entity, which are referred to herein as entity-specific photo-sharing websites 22.

Applicants believe both the claim language and the now lengthy prosecution history of this application make clear the distinction (and relationship) between the "plurality of entities" and the "entity-specific network-enabled image capture devices" that these entities control.

In view of the above, Applicants believe claims 1-6, 31, 36, and 37 are definite, and respectfully request that the Examiner reconsider and withdraw this rejection at an early date.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 1-5, 10, 12-17, 23-26 and 34-40 stand rejected as being unpatentable over U.S. Patent No. 6,650,831 to Thompson in view of U.S. Patent No. 6,930,709 to Creamer, et al. ("Creamer"). Applicants respectfully disagree with this rejection for the following reasons.

As a preliminary matter, in responding to Applicants' amendments and Remarks filed on November 8, 2006, the Examiner has expressed concern that Applicants have

recited the phrase "network-enabled" rather than "web-enabled" devices in the amended claims filed with that paper. The Examiner asks "that the applicants use the language that is defined in the specification when amending the claim language, especially when the language is being used to overcome the prior art of record." The Examiner's apparent concern is that the term "network-enabled" is broader than the term "web-enabled." While Applicants generally agree with this premise, Applicants nonetheless reiterate their arguments included in the Remarks filed with the November 8, 2006, paper that the claims, as amended, distinguish over Thompson's cameras because they recite "a TCP-IP protocol stack that enables communication between the entity-specific network-enabled image capture devices and the online photo-sharing service via an Internet connection."

Persons skilled in the art at the time of Applicants' invention would (and still do) understand that network-enabled cameras having such a TCP/IP protocol stack can connect to the Internet via the stack and thus can be considered "web-enabled." Assuming, for argument's sake, that Thompson's cameras are "network-enabled" applying the Examiner's scope and meaning of that phrase, Thompson's cameras still lack the TCP/IP protocol stack recited in the claims as acknowledged by the Examiner in this latest Office Action. Moreover, Applicants note that while the term "web-enabled" is used in their specification, the specification also supports recitation of the phrase "network-enabled." See, for example, claims 10, 22, and 23, as originally-filed.

Since the Examiner has made no formal objection to the claims with regard to the phrase "network-enabled," and because it appears that the Examiner has agreed with Applicants' contention that Thompson does not disclose a network-enabled image capture device having a TCP-IP protocol stack that enables communication between the entity-specific network-enabled image capture devices and the online photo-sharing service via an Internet connection, Applicants believe that the above comments have addressed the Examiner's concern.

Turning to the art rejection based on Thompson and Creamer, Applicants note that the Examiner's statement in putting forth the indefiniteness rejection raised in this Action sheds some light on the difficulty that the Applicants and the Examiner have had in reaching a conclusion as to the differences between the subject matters of Thompson and the claims of this application. In particular, the Examiner states that "it is unclear whether the 'image capture devices' are the 'plurality of entities' or if the entities are something entirely different" As pointed out by Applicants above, the "entity-specific network-enabled image capture devices" are distinct from the "plurality of entities" recited in claim 1. Most importantly, Thompson does not describe an arrangement in which the distinct "entity-specific network-enabled image capture devices" and "plurality of entities" interact via the distinct online photo-sharing service.

For example, claim 1 recites, among other things, "providing an online photo-sharing service configured to provide access to the respective entity-specific photo-sharing websites for each of the entities." As recited in the claim preamble, the entity-specific photo-sharing websites correspond to a plurality of entities, each of which control a set of network-enabled entity-specific image capture devices. As shown in FIG. 5 and described in the paragraph bridging pages 5 and 6 of the originally-filed application, an exemplary embodiment of the online photo-sharing service recited in claim 1 (element 16) includes a gateway server 18 and an entity/account database 20. Applicants further describe that various camera controlling entities 12 contract with the photo-sharing service 16 to transparently host customized photo-sharing websites 22 for each entity, which are referred to herein as entity-specific photo-sharing websites 22. Accordingly, claim 1 defines (and the specification supports) a method in which an online photo-sharing service provides access to a plurality of websites for a corresponding plurality of entities that control a set of network-enabled entity-specific image capture devices.

Claim 1 has been amended to recite that "one or more of the entity-specific photo-sharing websites is customized for a corresponding one or more of the plurality of

entities." Support for the amendment can be found throughout the application as originally filed. For example, Applicants describe at the bottom of page 8 of the originally-filed application that "the entity-specific websites 22 are customized to seamlessly integrate into the entity's existing website by following the look and feel of the entity's existing website." Applicants also describe in the first full paragraph beginning on page 13 of the application that:

Referring again to FIG. 2, before or after camera customization, the entity-specific websites 22 are created for each entity contracting with the photo-sharing service 16 in step 54. Customization requires storage of entity information in the entity/account database 20 and creating and storing web page elements comprising the entity-specific photo-sharing website in the database 20. The entity-specific information stored in the database 20 may also include service levels, and enabled features for the entity-specific website 22. Features are components or services that may be provided on websites by the photo-sharing service 16, such as search functions, and online printing, for instance, but may be selectable by each entity for its own website. As an example, company X may provide customized cameras 14 for its employees, but may not wish to allow employees to print images from the company X photo website for security reasons. If so desired, company X may have the photo service disable this feature from their particular website.

Applicants further describe the customization of entity-specific websites in the second full paragraph on page 13 of the application, describing that:

In a preferred embodiment, the entity-specific websites 22 are not created from scratch, but are created by modifying a preexisting template. The template may include several different sections, such as A, B, C and D, for instance. Assuming for example that the template used to create a website for Nikon, and section A is used to specify the name of the entity then the name Nikon would be inserted into that section. Other entity-specific content would be used to fill out the remaining sections. The Web pages comprising the Nikon specific photo-sharing website would then be provided with URL's unique to that website. The entity's regular website would be modified to include a link to the entity's photo-sharing website 22. In addition, the entity-specific photo-sharing website would include a link back to the entity's website. Entities 12 may have entity photo-sharing websites 22 created for them in one of two ways; automatically by logging

into the photo-sharing service 16 and manually customizing the templates, or by having the entity photo-sharing website created for them.

Thompson does not describe providing access to respective entity-specific photo-sharing websites for each of a plurality of entities, much less customizing one or more of the entity-specific photo-sharing websites for a corresponding one or more of the plurality of entities, as claim 1 requires. Instead, Thompson describes an arrangement providing a single website for a single entity, i.e., the hosting service provider 10, that has a plurality of webpages for cameras having different serial numbers. Thompson does not describe that the website of the hosting service provider 10 (or the webpages within that single website, for that matter) is customized in any manner for an entity controlling a set of entity-specific network-enabled image capture devices.

Indeed, Thompson's description of providing reserved access information (see, e.g., column 2, lines 22-26 and 54-65; column 3, lines 59-63; and column 5, lines 5-27) that is associated with reserved locations (see, e.g., column 2, lines 40-43 and column 4, lines 33-37), along with allowing for the purchasing of such reserved network access information in commodity form (see, e.g., column 4, lines 13-20, teaches away from an arrangement in which an online service provider provides customized entity-specific websites for a plurality of entities, as claim 1 requires. Moreover, because Thompson describes an arrangement with only one entity, no customization to preserve the look and feel of the entity's existing website and to distinguish the website from other websites is even required.

For example, in the paragraph bridging columns 6 and 7, Thompson describes that:

photographs hosted by an image hosting service provider 10 at the domain <www.camerali.com>, which were taken with a camera having a serial number of 1200 could have the partial network location of <www.camerali.com/1200>. The image number can then be added to the base network location to complete the address. Thus, the first such image

(image 0001) could have the address/file name <www.camerali.com/1200-0001.jpg>

In the above-cited portion of Thompson, the domain "<www.camerali.com>" identifies the website for the image hosting service provider 10, the number "1200" represents the serial number of a camera authorized to use the website, and the identifier "0001.jpg" represents the filename of an image file taken by the camera having the serial number "1200." The address/filename "<www.camerali.com/1200-0001.jpg>" corresponds to a webpage on the website "<www.camerali.com>" for accessing the image "0001.jpg.," not a website as claim 1 requires.

Should a second camera, perhaps having a serial number "1300" and controlled by a different entity than the camera having the serial number "1200" described above, be authorized to use Thompson's website, then an image, say "0002.jpg," taken by this second camera would have a page, "<www.camerali.com/1300-0002.jpg>," on the same website (i.e., "<www.camerali.com>") as the camera having the serial number 1200 for accessing the image "0002.jpg." This would occur, despite the fact that the cameras having the serial numbers "1200" and "1300" have different controlling entities.

In contrast, the subject matter defined by claim 1 of this application provides that when a plurality of image capture devices having different controlling entities connect to the single photo-sharing service via the network, the photo-sharing service uses an entity ID received from the image capture devices to provide access to respective websites for the different controlling entities—not merely access to different webpages that exist within the common website of the online photo-sharing service as Thompson describes. Moreover, one or more of the entity-specific photo-sharing websites is customized for a corresponding one or more of the plurality of entities.

In rejecting claim 1, the Examiner relies solely on Thompson for describing the absent features discussed above. Indeed, the Examiner relies on the secondary document to Creamer only to purportedly demonstrate the existence of an integrated Internet/intranet camera having a TCP/IP protocol stack. Accordingly, claim 1 and its

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dependent claims are believed to be allowable over the combination of Thompson and Creamer at least because all of the features of the claim are not taught by the cited combination. Moreover, independent claims 10, 23, 34, and 35, recite subject matter substantially similar to claim 1 in this regard, and thus are considered allowable over the cited combination, together with their respective dependent claims, for these same reasons.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. The Examiner is respectfully requested to telephone the undersigned attorney at the below-listed number if, after reviewing the above Remarks, the Examiner believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

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DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. 50-3512.

Respectfully submitted,

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